

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

ALAN CLEMENTS,)		
)		
Plaintiff,)	NO.	FILED: MAY 02, 2008
)		08CV2509 RCC
vs.)	JUDGE	JUDGE HART
)		MAGISTRATE JUDGE NOLAN
CHICAGO POLICE OFFICER JAMES)	MAGISTRATE	
MOLONEY, Star No. 14332, and)		
CHICAGO POLICE OFFICER)		
ALEJANDRO CABRAL, Star No. 4855,)		
)	JURY DEMAND	
Defendants.)		

COMPLAINT AT LAW

NOW COMES the plaintiff, ALAN CLEMENTS, by and through his attorneys, MICHAEL D. ROBBINS, MICHAEL D. ROBBINS & ASSOCIATES and JEFFREY J. NESLUND, LAW OFFICES OF JEFFREY J. NESLUND, and in complaining of defendants, CHICAGO POLICE OFFICER JAMES MOLONEY, Star No. 14332 and CHICAGO POLICE OFFICER ALEJANDRO CABRAL, Star No. 4855, states as follows:

COUNT I

(DEPRIVATION OF CIVIL RIGHTS, EXCESSIVE FORCE)

1. This is an action for civil damages brought pursuant to 42 U.S.C. Sec. 1983 for the deprivation of plaintiff's constitutional rights. This court has jurisdiction under 28 U.S.C. Sec. 1331 and 1343.

2. Defendants, CHICAGO POLICE OFFICER JAMES MOLONEY, Star No. 14332 and CHICAGO POLICE OFFICER ALEJANDRO CABRAL, Star No. 4855, are, and at all times material hereto were, sworn Chicago Police Officers employed by the City of Chicago

acting in the capacity of a sworn law enforcement official and acting within the scope of their authority.

3. Plaintiff, ALAN CLEMENTS, at all times relevant hereto was living in the Northern District of Illinois.

4. On February 3, 2008, in the evening hours, the plaintiff was in his home at 7753 S. Saginaw, Chicago, Illinois. The DEFENDANT OFFICERS arrived at the home of Plaintiff and entered the plaintiff's residence.

5. Defendants confronted the plaintiff who was unarmed and not engaged in any criminal conduct. The defendants then proceeded to assault and batter the plaintiff and throw him to the floor.

6. As a direct and proximate cause of the wrongful acts of defendants, plaintiff, ALAN CLEMENTS, suffered physical injuries and psychological injuries, as a consequence of which he has endured great pain and suffering.

7. Following the assault the plaintiff was taken to South Shore Hospital where he was admitted with multiple broken ribs and other injuries.

8. The acts of the defendant officers were a deliberate and malicious deprivation of plaintiff's Constitutional rights as guaranteed to the plaintiff by the Fourth Amendment to the Constitution, as made applicable to the states by the Fourteenth Amendment.

WHEREFORE, plaintiff, ALAN CLEMENTS, asks judgment against defendants, CHICAGO POLICE OFFICER JAMES MOLONEY, Star No. 14332 and CHICAGO POLICE OFFICER ALEJANDRO CABRAL, Star No. 4855, in a sum sufficient to compensate the plaintiff for his injuries for punitive damages, together with an award of reasonable attorneys' fees and the cost of this action.

COUNT II

(PENDANT STATE CLAIM OF COMMON LAW BATTERY)

9. Plaintiff realleges paragraphs 2 through 8 of Count I, as if fully set forth at this point.

10. The defendant officers caused physical injuries to the plaintiff without any provocation or lawful justification and thereby committed a battery on the plaintiff.

11. The unlawful conduct of the defendant officers proximately caused great bodily harm and psychological injuries to the plaintiff.

WHEREFORE, plaintiff, ALAN CLEMENTS, asks judgment against defendants, CHICAGO POLICE OFFICER JAMES MOLONEY, Star No. 14332 and CHICAGO POLICE OFFICER ALEJANDRO CABRAL, Star No. 4855, in a sum sufficient to compensate the plaintiff for his injuries.

Respectfully submitted,

/s/ Michael D. Robbins
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One of the Attorneys for Plaintiff, ALAN Clements

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